

NO. 22-15961

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

DONALD TRUMP, ET AL.,

PLAINTIFFS-APPELLANTS,

V.

TWITTER, INC., ET AL.,

DEFENDANTS-APPELLEES

On Appeal from the United States District Court
for the Northern District of California, San Francisco
Case No. 3:21-cv-08378-JD
The Honorable James Donato, District Judge

**MOTION OF AMICUS CURIAE ELECTRONIC FRONTIER FOUNDATION
FOR LEAVE TO FILE AMICUS BRIEF PURSUANT TO FED. R. APP. P. 29**

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Pursuant to Fed. R. App. P. 29(a)(2) and Circuit Rule 29-3, the Electronic Frontier Foundation (EFF) seeks leave to file an amicus brief in support of Defendants-Appellees and affirmance in the above-captioned case.

Counsel for Plaintiff-Appellants Donald J. Trump, Linda Cuadros, American Conservative Union, Rafael Barbosa, Dominick Latella, and Wayne Allyn Root consent to the filing of this amicus brief. Counsel for Twitter and Jack Dorsey consent. Counsel for the government consent. Counsel for Naomi Wolf did not provide their position.

EFF is a member-supported, non-profit civil liberties organization that works to protect free speech and privacy in the digital world. Founded in 1990, EFF has over 38,000 members and represents the interests of technology users in court cases and broader policy debates surrounding the application of law in the digital age. EFF ensures that users' interests are presented to courts considering crucial online free speech issues. EFF has filed *amicus* briefs in numerous cases dealing with social media platforms' right to moderate content. *See, e.g., Netchoice v. Attorney General*, 34 F. 4th 1196, 1204, 1213-14 (11th Cir. 2022) (citing examples from EFF's amicus brief).

For these reasons, amicus respectfully requests leave to file the attached brief.

Dated: March 22, 2023

By: /s/ Mukund Rathi
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on March 22, 2023.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: March 22, 2023

/s/ Mukund Rathi
Mukund Rathi